

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 26-1, 26-2, and 26-2a as follows:

6 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

7 Sec. 26-1. Compulsory school age; exemptions. Whoever has
8 custody or control of any child (i) between the ages of 7 and
9 17 years (unless the child has already graduated from high
10 school) for school years before the 2014-2015 school year or
11 (ii) between the ages of 6 (on or before September 1) and 17
12 years (unless the child has already graduated from high
13 school) beginning with the 2014-2015 school year shall cause
14 such child to attend some public school in the district
15 wherein the child resides the entire time it is in session
16 during the regular school term, except as provided in Section
17 10-19.1, and during a required summer school program
18 established under Section 10-22.33B; provided, that the
19 following children shall not be required to attend the public
20 schools:

21 1. Any child attending a private or a parochial school
22 where children are taught the branches of education taught
23 to children of corresponding age and grade in the public

1 schools, and where the instruction of the child in the
2 branches of education is in the English language;

3 2. Any child who is physically or mentally unable to
4 attend school, such disability being certified to the
5 county or district truant officer by a competent physician
6 licensed in Illinois to practice medicine and surgery in
7 all its branches, a chiropractic physician licensed under
8 the Medical Practice Act of 1987, a licensed advanced
9 practice registered nurse, a licensed physician assistant,
10 or a Christian Science practitioner residing in this State
11 and listed in the Christian Science Journal; or who is
12 excused for temporary absence for cause by the principal
13 or teacher of the school which the child attends, with
14 absence for cause by illness being required to include the
15 mental or behavioral health of the child for up to 5 days
16 for which the child need not provide a medical note, in
17 which case the child shall be given the opportunity to
18 make up any school work missed during the mental or
19 behavioral health absence and, after the second mental
20 health day used, may be referred to the appropriate school
21 support personnel; the exemptions in this paragraph (2) do
22 not apply to any female who is pregnant or the mother of
23 one or more children, except where a female is unable to
24 attend school due to a complication arising from her
25 pregnancy and the existence of such complication is
26 certified to the county or district truant officer by a

1 competent physician;

2 3. Any child necessarily and lawfully employed
3 according to the provisions of the law regulating child
4 labor may be excused from attendance at school by the
5 county superintendent of schools or the superintendent of
6 the public school which the child should be attending, on
7 certification of the facts by and the recommendation of
8 the school board of the public school district in which
9 the child resides. In districts having part-time
10 continuation schools, children so excused shall attend
11 such schools at least 8 hours each week;

12 4. Any child over 12 and under 14 years of age while in
13 attendance at confirmation classes;

14 5. Any child absent from a public school on a
15 particular day or days or at a particular time of day for
16 the reason that he is unable to attend classes or to
17 participate in any examination, study, or work
18 requirements on a particular day or days or at a
19 particular time of day because of religious reasons,
20 including the observance of a religious holiday or
21 participation in religious instruction, or because the
22 tenets of his religion forbid secular activity on a
23 particular day or days or at a particular time of day. A
24 school board may require the parent or guardian of a child
25 who is to be excused from attending school because of
26 religious reasons to give notice, not exceeding 5 days, of

1 the child's absence to the school principal or other
2 school personnel. Any child excused from attending school
3 under this paragraph 5 shall not be required to submit a
4 written excuse for such absence after returning to school.
5 A district superintendent shall develop and distribute to
6 schools appropriate procedures regarding a student's
7 absence for religious reasons, how schools are notified of
8 a student's impending absence for religious reasons, and
9 the requirements of Section 26-2b of this Code;

10 6. Any child 16 years of age or older who (i) submits
11 to a school district evidence of necessary and lawful
12 employment pursuant to paragraph 3 of this Section and
13 (ii) is enrolled in a graduation incentives program
14 pursuant to Section 26-16 of this Code or an alternative
15 learning opportunities program established pursuant to
16 Article 13B of this Code;

17 7. A child in any of grades 6 through 12 absent from a
18 public school on a particular day or days or at a
19 particular time of day for the purpose of sounding "Taps"
20 at a military honors funeral held in this State for a
21 deceased veteran. In order to be excused under this
22 paragraph 7, the student shall notify the school's
23 administration at least 2 days prior to the date of the
24 absence and shall provide the school's administration with
25 the date, time, and location of the military honors
26 funeral. The school's administration may waive this 2-day

1 notification requirement if the student did not receive at
2 least 2 days advance notice, but the student shall notify
3 the school's administration as soon as possible of the
4 absence. A student whose absence is excused under this
5 paragraph 7 shall be counted as if the student attended
6 school for purposes of calculating the average daily
7 attendance of students in the school district. A student
8 whose absence is excused under this paragraph 7 must be
9 allowed a reasonable time to make up school work missed
10 during the absence. If the student satisfactorily
11 completes the school work, the day of absence shall be
12 counted as a day of compulsory attendance and he or she may
13 not be penalized for that absence; and

14 8. Any child absent from a public school on a
15 particular day or days or at a particular time of day for
16 the reason that his or her parent or legal guardian is an
17 active duty member of the uniformed services and has been
18 called to duty for, is on leave from, or has immediately
19 returned from deployment to a combat zone or
20 combat-support postings. Such a student shall be granted 5
21 days of excused absences in any school year and, at the
22 discretion of the school board, additional excused
23 absences to visit the student's parent or legal guardian
24 relative to such leave or deployment of the parent or
25 legal guardian. In the case of excused absences pursuant
26 to this paragraph 8, the student and parent or legal

1 guardian shall be responsible for obtaining assignments
2 from the student's teacher prior to any period of excused
3 absence and for ensuring that such assignments are
4 completed by the student prior to his or her return to
5 school from such period of excused absence.

6 Any child from a public middle school or high school,
7 subject to guidelines established by the State Board of
8 Education, shall be permitted by a school board one school
9 day-long excused absence per school year for the child who is
10 absent from school to engage in a civic event. The school board
11 may require that the student provide reasonable advance notice
12 of the intended absence to the appropriate school
13 administrator and require that the student provide
14 documentation of participation in a civic event to the
15 appropriate school administrator.

16 (Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22;
17 102-406, eff. 8-19-21; revised 9-28-21.)

18 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

19 Sec. 26-2. Enrolled pupils not of compulsory school age.

20 (a) ~~Any For school years before the 2014-2015 school year,~~
21 ~~any person having custody or control of a child who is below~~
22 ~~the age of 7 years or is 17 years of age or above and who is~~
23 ~~enrolled in any of grades kindergarten through 12 in the~~
24 ~~public school shall cause him to attend the public school in~~
25 ~~the district wherein he resides when it is in session during~~

1 ~~the regular school term, unless he is excused under paragraph~~
2 ~~2, 3, 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015~~
3 ~~school year, any~~ person having custody or control of a child
4 who is below the age of 6 years or is 17 years of age or above
5 and who is enrolled in any of grades kindergarten through 12 in
6 the public school shall cause the child to attend the public
7 school in the district wherein he or she resides when it is in
8 session during the regular school term, unless the child is
9 excused under ~~paragraph 2, 3, 4, 5, or 6 of~~ Section 26-1 of
10 this Code.

11 (b) A school district shall deny reenrollment in its
12 secondary schools to any child 19 years of age or above who has
13 dropped out of school and who could not, because of age and
14 lack of credits, attend classes during the normal school year
15 and graduate before his or her twenty-first birthday. A
16 district may, however, enroll the child in a graduation
17 incentives program under Section 26-16 of this Code or an
18 alternative learning opportunities program established under
19 Article 13B. No child shall be denied reenrollment for the
20 above reasons unless the school district first offers the
21 child due process as required in cases of expulsion under
22 Section 10-22.6. If a child is denied reenrollment after being
23 provided with due process, the school district must provide
24 counseling to that child and must direct that child to
25 alternative educational programs, including adult education
26 programs, that lead to graduation or receipt of a high school

1 equivalency certificate.

2 (c) A school or school district may deny enrollment to a
3 student 17 years of age or older for one semester for failure
4 to meet minimum attendance standards if all of the following
5 conditions are met:

6 (1) The student was absent without valid cause for 20%
7 or more of the attendance days in the semester immediately
8 prior to the current semester.

9 (2) The student and the student's parent or guardian
10 are given written notice warning that the student is
11 subject to denial from enrollment for one semester unless
12 the student is absent without valid cause less than 20% of
13 the attendance days in the current semester.

14 (3) The student's parent or guardian is provided with
15 the right to appeal the notice, as determined by the State
16 Board of Education in accordance with due process.

17 (4) The student is provided with attendance
18 remediation services, including without limitation
19 assessment, counseling, and support services.

20 (5) The student is absent without valid cause for 20%
21 or more of the attendance days in the current semester.

22 A school or school district may not deny enrollment to a
23 student (or reenrollment to a dropout) who is at least 17 years
24 of age or older but below 19 years for more than one
25 consecutive semester for failure to meet attendance standards.

26 (d) No child may be denied reenrollment under this Section

1 in violation of the federal Individuals with Disabilities
2 Education Act or the Americans with Disabilities Act.

3 (e) In this subsection (e), "reenrolled student" means a
4 dropout who has reenrolled full-time in a public school. Each
5 school district shall identify, track, and report on the
6 educational progress and outcomes of reenrolled students as a
7 subset of the district's required reporting on all
8 enrollments. A reenrolled student who again drops out must not
9 be counted again against a district's dropout rate performance
10 measure. The State Board of Education shall set performance
11 standards for programs serving reenrolled students.

12 (f) The State Board of Education shall adopt any rules
13 necessary to implement the changes to this Section made by
14 Public Act 93-803.

15 (Source: P.A. 100-825, eff. 8-13-18.)

16 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

17 (Text of Section before amendment by P.A. 102-466)

18 Sec. 26-2a. A "truant" is defined as a child who is subject
19 to compulsory school attendance and who is absent without
20 valid cause, as defined under this Section, from such
21 attendance for more than 1% but less than 5% of the past 180
22 school days.

23 "Valid cause" for absence shall be illness, including the
24 mental or behavioral health of the student, observance of a
25 religious holiday, death in the immediate family, attendance

1 at a civic event, or family emergency and shall include such
2 other situations beyond the control of the student, as
3 determined by the board of education in each district, or such
4 other circumstances which cause reasonable concern to the
5 parent for the mental, emotional, or physical health or safety
6 of the student.

7 "Chronic or habitual truant" shall be defined as a child
8 who is subject to compulsory school attendance and who is
9 absent without valid cause from such attendance for 5% or more
10 of the previous 180 regular attendance days.

11 "Civic event" means an event sponsored by a non-profit
12 organization or governmental entity that is open to the
13 public. "Civic event" includes, but is not limited to, an
14 artistic or cultural performance or educational gathering that
15 supports the mission of the sponsoring non-profit
16 organization. The State Board of Education may adopt rules to
17 further define "civic event".

18 "Truant minor" is defined as a chronic truant to whom
19 supportive services, including prevention, diagnostic,
20 intervention and remedial services, alternative programs and
21 other school and community resources have been provided and
22 have failed to result in the cessation of chronic truancy, or
23 have been offered and refused.

24 A "dropout" is defined as any child enrolled in grades 9
25 through 12 whose name has been removed from the district
26 enrollment roster for any reason other than the student's

1 death, extended illness, removal for medical non-compliance,
2 expulsion, aging out, graduation, or completion of a program
3 of studies and who has not transferred to another public or
4 private school and is not known to be home-schooled by his or
5 her parents or guardians or continuing school in another
6 country.

7 "Religion" for the purposes of this Article, includes all
8 aspects of religious observance and practice, as well as
9 belief.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
11 102-321, eff. 1-1-22.)

12 (Text of Section after amendment by P.A. 102-466)

13 Sec. 26-2a. A "truant" is defined as a child who is subject
14 to compulsory school attendance and who is absent without
15 valid cause, as defined under this Section, from such
16 attendance for more than 1% but less than 5% of the past 180
17 school days.

18 "Valid cause" for absence shall be illness, including the
19 mental or behavioral health of the student, attendance at a
20 verified medical or therapeutic appointment, appointment with
21 a victim services provider, observance of a religious holiday,
22 death in the immediate family, attendance at a civic event, or
23 family emergency and shall include such other situations
24 beyond the control of the student, as determined by the board
25 of education in each district, or such other circumstances

1 which cause reasonable concern to the parent for the mental,
2 emotional, or physical health or safety of the student. For
3 purposes of a student who is an expectant parent, or parent, or
4 victim of domestic or sexual violence, "valid cause" for
5 absence includes (i) the fulfillment of a parenting
6 responsibility, including, but not limited to, arranging and
7 providing child care, caring for a sick child, attending
8 prenatal or other medical appointments for the expectant
9 student, and attending medical appointments for a child, and
10 (ii) addressing circumstances resulting from domestic or
11 sexual violence, including, but not limited to, experiencing
12 domestic or sexual violence, recovering from physical or
13 psychological injuries, seeking medical attention, seeking
14 services from a domestic or sexual violence organization, as
15 defined in Article 26A, seeking psychological or other
16 counseling, participating in safety planning, temporarily or
17 permanently relocating, seeking legal assistance or remedies,
18 or taking any other action to increase the safety or health of
19 the student or to protect the student from future domestic or
20 sexual violence. A school district may require a student to
21 verify his or her claim of domestic or sexual violence under
22 Section 26A-45 prior to the district approving a valid cause
23 for an absence of 3 or more consecutive days that is related to
24 domestic or sexual violence.

25 "Chronic or habitual truant" shall be defined as a child
26 who is subject to compulsory school attendance and who is

1 absent without valid cause from such attendance for 5% or more
2 of the previous 180 regular attendance days.

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4 organization or governmental entity that is open to the
5 public. "Civic event" includes, but is not limited to, an
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22 private school and is not known to be home-schooled by his or
23 her parents or guardians or continuing school in another
24 country.

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26 aspects of religious observance and practice, as well as

1 belief.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
3 102-321, eff. 1-1-22; 102-466, eff. 7-1-25; revised 9-23-21.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.